

No. PD-0241-20

IN THE COURT OF CRIMINAL APPEALS OF TEXAS FILED
COURT OF CRIMINAL APPEALS
9/16/2020
DEANA WILLIAMSON, CLERK

SUZANNE ELIZABETH WEXLER

Appellant

v.

THE STATE OF TEXAS

Appellee

On Petition for Discretionary Review from
Appeal No. 14-17-00606-CR
in the Court of Appeals, Fourteenth District at Houston

Trial Court Cause No. 1513928
177th Judicial District Court of Harris County, Texas
Hon. Robert Johnson, Judge Presiding

APPELLANT'S MOTION FOR LEAVE TO FILE A REPLY BRIEF

TO THE HONORABLE JUDGES OF THE COURT OF CRIMINAL APPEALS:

NOW COMES, SUZANNE ELIZABETH WEXLER, Appellant, pursuant to
TEX. R. APP. P. 38.3 and 70.4, and moves this Court to allow Appellant to file a reply
brief in response to the State's Brief. In support thereof, Appellant would respectfully
show the following:

1. This Court granted Appellant's petition for discretionary review on June 17,
2020.
2. Appellant filed her brief on the merits on July 15, 2020.

3. The State filed its responsive brief on September 3, 2020.
4. Upon a party's motion, this Court may permit the filing of additional briefs. See TEX. R. APP. P. 70.4. Generally, an appellant may file a reply brief addressing any matter in the State's responsive brief. TEX. R. APP. P. 38.3. A reply brief must be filed within 20 days after the State filed its brief. TEX. R. APP. P. 38.6(c).
5. Upon review of the State's brief, Appellant believes that a reply is warranted to address the arguments outlined within the State's brief, including, but not limited to, the State's contention that Appellant is arguing that this Court's decision in *Sheppard v. State* is not applicable to a determination of whether an individual is in custody for purposes of *Miranda*.
6. Appellant's request is not made for purpose of delay but for a thorough and proper presentation of her arguments.
7. Appellant's reply brief is being filed concurrently with this motion.

WHEREFORE, counsel for Appellant prays that she be granted leave to file a reply brief to the State's responsive brief. Appellant also prays for such other relief that this Court may deem appropriate.

Respectfully submitted,

Alexander Bunin
Chief Public Defender
Harris County Texas

/s/ Nicholas Mensch
Nicholas Mensch
Assistant Public Defender
Harris County Texas
State Bar of Texas No. 24070262
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Attorney for Appellant
Suzanne Elizabeth Wexler

CERTIFICATE OF SERVICE

I certify that a copy of Appellant's Motion for Leave was served on John Crump of the Harris County District Attorney's Office and Stacey Soule of the Office of State Prosecuting Attorney on September 15, 2020 to the email addresses on file with the Texas e-filing system.

/s/ Nicholas Mensch
Nicholas Mensch

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